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IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

2006 OCT 31 A 9:33

DEBRA P. HACKETT, CLK.
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Jimmie Lee Smith # 57548
Full name and prison number
of plaintiff(s)

v.

Paul Richardson

Stephen Mann

Keith Fitzgerald

Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

CIVIL ACTION NO. 1:06-cv-981-WKW
(To be supplied by Clerk of
U.S. District Court)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES () NO (/)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES () NO (/)
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket number _____
4. Name of judge to whom case was assigned _____
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
6. Approximate date of filing lawsuit _____
7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT Houston County

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Houston County
Jail

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

| NAME | ADDRESS |
|----------------------------|--------------------------------------------|
| 1. <u>Paul Richardson</u> | <u>901 East Main St. Dothan Ala. 36301</u> |
| 2. <u>Stephen Moun</u> | <u>901 East Main St. Dothan Ala. 36301</u> |
| 3. <u>Keith Fitzgerald</u> | <u>901 East Main St. Dothan Ala. 36301</u> |
| 4. _____ | _____ |
| 5. _____ | _____ |
| 6. _____ | _____ |

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED Oct. 18 2006

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Discrimination (For my race and my sexual preference)

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

All of this happen because i wanted to be patted down like the other trustee ^{which} ~~which~~ is a white male. And i am a Day Black male ~~which~~ which they wanted to strip search me.

GROUND TWO: Illegal use of a weapon (taser)

SUPPORTING FACTS: They tased me because they said I ~~did~~ did not comply with there orders. There is nothing saying in the Taser book were if some one dose not listen tased them.

GROUND THREE: _____

SUPPORTING FACTS: _____

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

Legal Rights Matters (Pain and Suffering = Discrimination
and Illegal use of a weapon) A lawsuit

Dimmie L. Smith
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on 10'27'06
(Date)

Dimmie L. Smith
Signature of plaintiff(s)

On October 18, 2006 around 10:45 p.m., Myself ~~and~~ inmate Jimmie Smith and inmate Jeremy Brown, was coming in for the night from our job duties. As we saw officer P. Richardson pat inmate Uber, Richard down. Then we came in Door 1211 to come in, after Officer P. Richardson put inmate Richard Uber into O-Pod, myself and inmate Jeremy Brown was told to put our things down and come on. As inmate Jeremy Brown turn around to walk off, I then stated how come we cant be patted down, why we have to be strip ~~se~~ searched. Officer P. Richardson then stated you will ~~do~~ as i say, so inmate Jimmie Smith put your things down and come on. By that time i then asked officer S. Edleston could she call the Sgt. down here because i dont think that was right. As i waited on her to open the control both door, officer P. Richardson then pulled out his taser and stated once again inmate Smith you will do as i say and come on. As i turn around to put my things on the table in side of 1211, Officer P. Richardson had then call on the radio to officer S. moon J69 i need backup to help with an inmate to be searched. As we all are walking out of 1211 with there taser's out, i am still saying i want to see the Sgt., because this is not right. As we enter the mop room across from the laundry room, both of the officer still had there taser's out and ready. So i walked in first still saying that's not right i want to see the Sgt. (still no Sgt. every cam. Officer P. Richardson then stated get on dress now, As i turn around to ~~pe~~ start getting on dress all i could here was the taser going off at me. As i was hit with the taser, i then fall and hit my head on the ground then after that i rember one of them officer's calling J38 Officer M. Fitzgerald to help them. As officer M. Fitzgerald came in, i was still laying down on the floor (cant move). He then came in and stated get up, i then stated i cant move my head. By that time i looked up and over and seen officer S. moon still with his taser out saying

If you don't get up, you will be tase again. I stated once again i cant move, then officer K. Fitzgerald pull his taser out and took his cartridge off, and put it to ~~the~~ my right side, and said you have 5 seconds to get up or you will be dry stun. As i said once again i cant move my head is hurting. As i finally got up i looked and saw 2 more officers J20 officer Jameserson and J15 officer Sererson, standing in the hall way making sure everying was alright. They then got me up, took me to the clinic and took pictures, were a was tase at. As we are on the way to the clinic i said for the last time can i see the Sgt. (Still no Sgt. every stowed up). As we got done they took me back to the pod. I still was ~~never~~ never strip searched.

For 1 all of this happen because i ~~was~~ wanted to be patled down like the other trustee. The only thing i got out of this was a Sanction/Restriction Documentation. I was not even moved from trustee.